

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

04 CR 10195 PBS

UNITED STATES OF AMERICA) CRIMINAL NO.
)
v.) VIOLATIONS:
)
MICHAEL PINA and) 21 U.S.C. § 841--
DANIEL GOMES) Distribution of Controlled
) Substances
)
) 18 U.S.C. § 2--
) Aiding and Abetting
)
) 21 U.S.C. § 853--
) Criminal Forfeiture

INDICTMENT

COUNT ONE: (21 U.S.C. § 841(a)(1)--Distribution Of Cocaine Base)

The Grand Jury charges that:

On or about January 29, 2004, at New Bedford, in the District of Massachusetts,

MICHAEL PINA,

defendant herein, knowingly and intentionally possessed with intent to distribute and distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

SUPPLEMENTAL FINDINGS

The **GRAND JURY** further finds that:

1. The transaction described herein involved at least 5 grams of a mixture or a substance containing a detectable amount of cocaine base, also known as "crack," a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841 (b) (1) (B) (iii).

COUNT TWO: **(21 U.S.C. § 841(a)(1)--Distribution Of Cocaine Base)**

The Grand Jury further charges that:

On or about February 13, 2004, at New Bedford, in the District of Massachusetts,

MICHAEL PINA,

defendant herein, knowingly and intentionally possessed with intent to distribute and distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

SUPPLEMENTAL FINDINGS

The **GRAND JURY** further finds that:

1. The transaction described herein involved at least 5 grams of a mixture or a substance containing a detectable amount of cocaine base, also known as "crack," a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841 (b) (1) (B) (iii).

COUNT THREE: (21 U.S.C. § 841(a)(1)--Distribution Of Cocaine
Base; 18 U.S.C. § 2--Aiding and Abetting))

The Grand Jury further charges that:

On or about April 1, 2004, at New Bedford, in the District of Massachusetts,

MICHAEL PINA AND DANIEL GOMES,

defendants herein, knowingly and intentionally possessed with intent to distribute and distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

SUPPLEMENTAL FINDINGS

The **GRAND JURY** further finds that:

1. The transaction described herein involved at least 5 grams of a mixture or a substance containing a detectable amount of cocaine base, also known as "crack," a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841 (b) (1) (B) (iii).

COUNT FOUR: (21 U.S.C. § 841(a)(1)--Distribution Of Cocaine Base; 18 U.S.C. § 2--Aiding and Abetting))

The Grand Jury further charges that:

On or about April 6, 2004, at New Bedford, in the District of Massachusetts,

MICHAEL PINA AND DANIEL GOMES,

defendants herein, knowingly and intentionally possessed with intent to distribute and distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

SUPPLEMENTAL FINDINGS

The **GRAND JURY** further finds that:

1. The transaction described herein involved at least 5 grams of a mixture or a substance containing a detectable amount of cocaine base, also known as "crack," a Schedule II controlled substance, and that such quantity of mixture or substance was at least 20 grams in total, in violation of Title 21, United States Code, Section 841 (b) (1) (B) (iii).

COUNT FIVE: (21 U.S.C. § 841(a)(1)--Distribution Of Cocaine Base; 18 U.S.C. § 2--Aiding and Abetting))

The Grand Jury further charges that:

On or about April 27, 2004, at New Bedford, in the District of Massachusetts,

MICHAEL PINA AND DANIEL GOMES,

defendants herein, knowingly and intentionally possessed with intent to distribute and distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

SUPPLEMENTAL FINDINGS

The **GRAND JURY** further finds that:

1. The transaction described herein involved at least 5 grams of a mixture or a substance containing a detectable amount of cocaine base, also known as "crack," a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841 (b) (1) (B) (iii).

FORFEITURE ALLEGATION
(21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts 1 through 5 of this Indictment,

MICHAEL PINA AND DANIEL GOMES

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations.

2. If any of the property described in paragraph 1, above, as a result of any act or omission of the defendants --

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1.

All in violation of Title 21, United States Code, Section
853.

A TRUE BILL

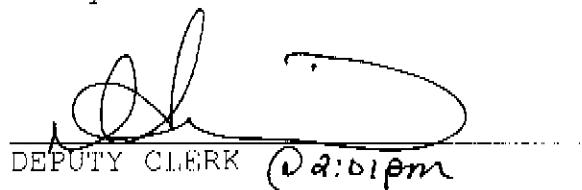

FOREPERSON OF THE GRAND JURY



DONALD L. CABELL
ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS; 7-7, 2004.

Returned into the District Court by the Grand Jurors and filed.


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